

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL TOY,
on behalf of himself and all
others similarly situated,

Plaintiff,

v.

Case No. 18-cv-1341-pp

WATER STREET BREWERY, INC.,
WSB-GRAFTON, INC.,
WSB OAK CREEK RESTAURANT LLC,
WSB-LAKE COUNTRY, INC., and
ROBERT C. SCHMIDT, JR.,

Defendants.

**ORDER APPROVING PARTIES' JOINT STIPULATION TO CONDITIONALLY
CERTIFY COLLECTIVE ACTION UNDER §216(b) AND TO AUTHORIZE
NOTICE (DKT. NO. 8)**

On September 19, 2018, the parties filed a joint stipulation to conditionally certify a collective action under §216(b) of the Fair Labor Standards Act, and to authorize notice. Dkt. No. 8. The court **APPROVES** the stipulation, dkt. no. 8, and **ORDERS:**

1. The court **CONDITIONALLY CERTIFIES** the following class under 29 U.S.C. §216(b):

All persons who work or worked for Water Street
Brewery as a Server at any time since June 12,
2014.

2. Defendants shall, within ten (10) days of the court's order approving this stipulation, identify and produce to plaintiff's counsel the first

name, last name, last known street address, city, state, zip code, phone number, last four digits of social security number, and dates of employment of all persons who have been employed by the defendants as servers at any since June 12, 2014 (the “Class List”). The defendants shall produce the Class List to plaintiff’s counsel as an Excel spreadsheet, with each field of information identified above as a separate column.

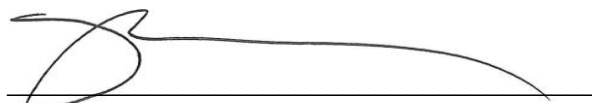
3. Plaintiff shall be permitted to send the agreed-upon Notice of Right to Join Lawsuit to all individuals on the Class List, and consent forms postmarked within forty-five (45) days after the first mailing of the Notice will be considered timely. With the exception of Notices that are returned to counsel for plaintiff as undeliverable, no reminder notices or other follow-up to putative collective class members may be initiated by plaintiff or his counsel during the 45-day opt-in period.

4. Counsel for the plaintiff shall promptly file copies of each consent form with the court.

5. By stipulating to conditional certification of the collective class, the defendants do not waive or in any way compromise their right to seek decertification of the conditionally certified class at the close of discovery—the second step.

Dated in Milwaukee, Wisconsin this 2nd day of October, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge